

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHANE D. SWEENEY,

Defendant.

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8:13CR413

ORDER

This matter is before the court on the motion to continue by defendant Shane D. Sweeney (Sweeney) (Filing No. 19). Sweeney seeks a continuance of the trial scheduled for April 14, 2014, to participate in a diversion program. Sweeney's counsel represents that government's counsel has no objection to the motion. Sweeney's counsel represents Sweeney will file an affidavit whereby Sweeney consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. However, the Speedy Trial Act, 18 U.S.C. § 3161(h)(2), requires that a **written** agreement between the defendant and the government be entered into and **approved** by the court.

Accordingly, the motion to continue will be held in abeyance until April 17, 2014, pending compliance with 18 U.S.C. § 3161(h)(2). The trial of this matter scheduled for April 14, 2014, is cancelled and will be rescheduled in the absence of the compliance set forth above.

IT IS SO ORDERED.

DATED this 4th day of April, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge